



WESTFIELD-WASHINGTON

BOARD OF ZONING APPEALS

November 9, 2010

1011-VS-06

Exhibit 1

PETITION NUMBER:	1011-VS-06
SUBJECT SITE ADDRESS:	519 West Main Street
APPELLANT:	Speedway SuperAmerica LLC
REQUEST:	The Appellant is requesting a Variance of Standard from the Westfield- Washington Zoning Ordinance (WC 16.08.010 G1) to increase the sign area allocation for the business.
CURRENT ZONING:	GB
CURRENT LAND USE:	Commercial
APPROXIMATE ACREAGE:	1.24 acres
ZONING HISTORY:	85-V-18; Front Yard Setback reduction (per plans filed); <i>Approved</i> 95-SE-14; Special Exception to allow a Gasoline Service Station; <i>Approved</i> 95-V-15; Front Yard Setback reduction of 13 feet (per plans filed); <i>Approved</i> 95-V-16; Sign Overlay variance to allow an additional panel to the “goal post sign”; <i>Approved</i> 96-V-37; Sign variance to allow two “goal post signs” (per plans filed); <i>Approved</i> 95-AP-8; Site Plan and Sign Plans (as amended); <i>Approved</i>
EXHIBITS:	1. Staff Report 2. Aerial Location Map 3. Appellant’s Application & Plans
STAFF REVIEWER:	Kevin M. Todd, AICP

PETITION HISTORY

This petition will receive a public hearing at the November 9, 2010 Board of Zoning Appeals (the “BZA”) meeting.

ANALYSIS

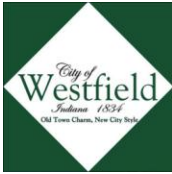
Property Location

The subject property is used as a commercial gas station and is located at the southeast corner of US 31 and SR 32 (the “Property”). The Property is located in the General Business (GB) District, and a “Gasoline Service Station” is permitted on the Property by a special exception obtained in 1995 (95-SE-14).

Proposed Signage

The Appellant is requesting to add two (2) wall-type signs to the canopy (the “Canopy Signs”). The signs would be internally-lit individual-channel letters. One (1) sign would be on the east end of the canopy, and the other would be on the west end of the canopy. Each sign is proposed to be approximately 48 square feet in size, totaling approximately 96 square feet of new signage.

The Appellant’s plans are to keep the two (2) existing pole signs and the existing reader-board sign on the building, in addition to installing the two (2) proposed Canopy Signs.



The existing pole signs (or “goal post signs”, as they were called in the original case files) are allowed by variance 96-V-37 and sign plan approval 95-AP-8. Each pole sign is 86.5 square feet per face, totaling 346 square feet of existing pole signage. The variance approval included a condition that the total square footage of these two (2) pole signs be 346 square feet. The existing pole signs comply with this condition.

Altogether, the current sign proposal for the Property is for approximately 482 square feet of total signage, as outlined below:

- 2 Existing Pole Signs (86.5 square feet per face, times 4 faces = 346 square feet)
- 1 Existing Reader-Board Sign (40 square feet)
- 2 New Canopy Signs (48 square feet each = 96 square feet)

Sign Area Calculation

According to the current sign ordinance, this business would be allowed 440 square feet of signage. This amount is calculated by adding together the length of the building (including the canopy) fronting on a public road. The building fronts on three (3) public roads: SR 32 to the north, US 31 to the west, and Maple Street to the east. Adding the north (144 feet), west (148 feet) and east (148 feet) sides of the building together calculates the total available square footage of signage for this business. The ordinance allows one (1) square foot of signage for each linear foot of building fronting on a public road.

The request before the BZA is to allow an additional 42 square feet of signage than would otherwise be allowed by the sign ordinance.

PROCEDURAL

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code 36-7-4-918.5 only upon a determination in writing that:

STANDARDS FOR VARIANCE REQUEST

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Findings: It is unlikely that approving the requested variance will be injurious to the public health, safety, morals, and general welfare of the community. The proposed signage will not be flashing, blinking, or otherwise distracting to motorists on adjacent streets or nearby residents.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

Findings: It is unlikely that the use and value of adjacent property will be affected in an adverse manner. Neighboring uses are commercial businesses with similar signage. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.



3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

Finding: Staff has reviewed the submitted materials and has been unable to identify a practical difficulty that would be created by strict adherence of the zoning ordinance. The sign plan could be reasonably modified to comply with the sign ordinance.

RECOMMENDATIONS

Deny this request based on the findings of this report.

KMT